



*City of
Bonita Springs*

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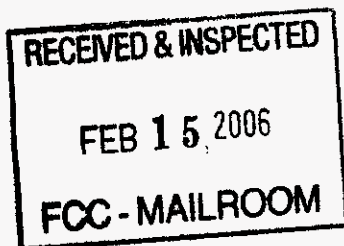
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February 2, 2006

Commission's Secretary
Office of the Secretary,
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Comments filed by the City of Bonita Springs
In the Matter of Implementation of Section 621(a)(1) of the
Cable Communications Policy Act of 1984
MB Docket No. 05-311

Dear Sir or Madam:

Consistent with the filing provisions found in the Notice
published in 70 Federal Register 73973, enclosed is an original and
four copies of the City of Bonita Springs filing regarding the above.

On behalf of the City of Bonita Springs, we look forward to the
Federal Communications Commission considering our comments prior
to any rulemaking.

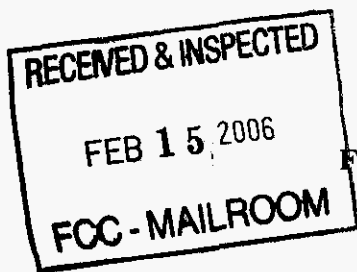
Sincerely yours,

Audrey E. Vance
City Attorney

AEV/

cc: Gary A. Price, City Manager
Dianne Lynn, City Clerk

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984)
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

MB Docket No. 05-311

COMMENTS OF CITY OF BONITA SPRINGS, FLORIDA

These Comments are filed by the City of Bonita Springs, Florida, in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NLC and NATOA, the City of Bonita Springs believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

Cable Franchising in Our Community

Community Information

The City of Bonita Springs is a new city, incorporated in 2000, with a population of approximately 42,300 residents covering approximately 38 square miles in Lee County, Florida. Our franchised cable provider(s) is Comcast Cablevision. Our community has negotiated one cable franchise since 2004. It had appeared that the City of Bonita Springs would need an additional franchise with Time-Warner, except that Time-Warner merged with Comcast Cablevision during the franchise process.

Pursuant to the Cable Franchise Agreement and the side letter, Comcast provided telecommunications facilities and in-kind support for the City's access channel. Comcast is required to provide local emergency alerts. The franchise agreement calls for Minimum System Facilities and Services in relation to State-of-the-Art when technically and commercially feasible improvements to its System as may be requested by the City.

Comcast is required to shall make cable service available to every dwelling within the Franchise Area unless prohibited by a private property owner from doing so; provided that such dwelling is in an area of density of at least twenty-five (25) dwelling units per cable mile and within 125 feet of Franchisee's existing Cable System. Density per cable mile is computed by dividing the number of dwelling units in the area by the length, in miles or fractions thereof, of

the total amount of aerial or underground cable necessary to make service available to the dwelling units in such area in accordance with the Franchisee's reasonable System design parameters.

Competitive Cable Systems

The City of Bonita Springs has never been approached by a competitive provider to provide service and has not denied any provider the opportunity to serve in our community. In 2003, the City of Bonita Springs adopted a cable franchise ordinance (distinguished from the non-exclusive cable franchise agreement with Comcast in 2004) which serves as a mechanism to offer the same or a comparable franchise to a competitor upon request. By having two separate documents, the City of Bonita Springs is positioned to enter into negotiations with additional providers, with a most favored nation's clause to treat each provider equally.

Conclusions

The local cable franchising process functions well in the City of Bonita Springs, Florida. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

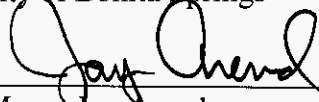
Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City of Bonita Springs therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

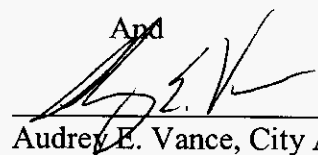
Respectfully submitted,

City of Bonita Springs



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And



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